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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.  | CONFIRMATION NO. |
|---|-------------|----------------------|----------------------|------------------|
| 10/074,996  | 02/12/2002  | Chang-Ping Lee       | 2222.5390005         | 7160             |
| 26111   | 7590        | 08/06/2009           | EXAMINER             |                  |
| STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.<br>1100 NEW YORK AVENUE, N.W.<br>WASHINGTON, DC 20005 |             |                      | REVAK, CHRISTOPHER A |                  |
|   |             |                      | ART UNIT             | PAPER NUMBER     |
|   |             |                      | 2431                 |                  |
|   |             |                      | MAIL DATE            | DELIVERY MODE    |
|   |             |                      | 08/06/2009           | PAPER            |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/074,996             | LEE ET AL.          |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Christopher A. Revak   | 2431                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 April 2009.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,2,4-14,16-18,20-36 and 38-56 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 1,2,4,7-14,16-18,20-23,40-53 and 56 is/are allowed.  
 6) Claim(s) 5,6,24-36,38 and 39 is/are rejected.  
 7) Claim(s) 54 and 55 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 12 February 2002 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 5,6,24-36,38, and 39 have been considered but are moot in view of the new grounds of rejection.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 24-36,38, and 39 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claims have been amended to recite of a tangible computer-readable medium. The specification fails to set forth what constitutes a "tangible" computer-readable medium. The examiner suggests amending the claims to recite of a "computer readable storage medium" as was previously recited in the claims since those terms are defined in the applicant's specification.

### ***Specification***

3. The disclosure is objected to because of the following informalities: The applicant's specification fails to describe examples of "tangible computer-readable media". Varying examples of computer readable storage media are described in the

applicant's specification, however it is unclear what "tangible computer-readable media" are.

Appropriate correction is required.

### ***Claim Objections***

4. Claims 54 and 55 are objected to because of the following informalities: The claims recite of a "computer readable storage medium", however the preceding claims recite of "tangible computer-readable medium" which do not match. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 5,6, and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komuro et al, U.S. Patent 6,223,285 in view of Miura et al, U.S. Patent 6,862,103.

As per claim 5, it is taught by Komuro et al of a computer implemented method for securing a file, the method comprising determining if the file stored in a file system and being accessed includes the a header; if the file is determined to be secured, activating a cipher module and loading the file from the file system through the cipher

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module into an application; and if the file is determined to be non-secured, loading the file from the file system into the application without activating the cipher module (col. 11, lines 23-45). The teachings of Komuro et al fail to disclose of information within the header indicating that the file is secured. The teachings of Miura et al disclose of a flag within the header that indicates that the file is secured (col. 29, lines 45-57). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have been motivated include lookup information within the header of a file that describes information contained within. The teachings of Miura et al recites motivational benefits for including a flag within the header of a file that indicates that the file is encrypted and what type of encryption is being used so that it can properly be decrypted, if authorized by the recipient (col. 29, lines 45-64). It is obvious to one of ordinary skill in the art that headers including flags which indicate that a file is encrypted is well known to one of ordinary skill in the art as evidenced by the teachings of Miura et al whereby the information is read and it is determined how to properly decrypt the received file.

As per claim 6, it is disclosed by Komuro et al of a computer implemented method for securing a file, the method comprising determining if the file stored in a file system and being accessed; if the file is determined to be secured, activating a cipher module and loading the file from the file system through the cipher module into an application; and if the file is determined to be non-secured, loading the file from the file system into the application without activating the cipher module (col. 11, lines 23-45). The teachings of Komuro et al fail to disclose that the existence of the flag indicates that

the file is secured. The teachings of Miura et al disclose of a flag within the header that indicates that the file is secured (col. 29, lines 45-57). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have been motivated include lookup information within the header of a file that describes information contained within. The teachings of Miura et al recites motivational benefits for including a flag within the header of a file that indicates that the file is encrypted and what type of encryption is being used so that it can properly be decrypted, if authorized by the recipient (col. 29, lines 45-64). It is obvious to one of ordinary skill in the art that headers including flags which indicate that a file is encrypted is well known to one of ordinary skill in the art as evidenced by the teachings of Miura et al whereby the information is read and it is determined how to properly decrypt the received file.

As per claim 26, It is taught of a computer implemented method and computer program product for securing a method comprising determining whether the file stored in a file system and being accessed is secured; if the file is determined to be secured, activating a cipher module and loading the file from the file system through the cipher module into the an application; and if the file is determined to be non-secured, loading the file from the file system into the application without activating the cipher module (col. 11, lines 23-45). The teachings of Komuro et al fail to disclose of information within the header indicating that the file is secured. The teachings of Miura et al disclose of a flag within the header that indicates that the file is secured (col. 29, lines 45-57). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have been motivated include lookup information within the header of a file that

describes information contained within. The teachings of Miura et al recites motivational benefits for including a flag within the header of a file that indicates that the file is encrypted and what type of encryption is being used so that it can properly be decrypted, if authorized by the recipient (col. 29, lines 45-64). It is obvious to one of ordinary skill in the art that headers including flags which indicate that a file is encrypted is well known to one of ordinary skill in the art as evidenced by the teachings of Miura et al whereby the information is read and it is determined how to properly decrypt the received file.

As per claim 27, it is disclosed wherein the loading the file from the file system through the cipher module into the application comprises retrieving the file key, decrypting the encrypted portion with the file key in the cipher module, and sending the file in clear mode to the application (col. 11, lines 23-45).

As per claim 28, it is taught that the security information including the file key is encrypted with a user key, and wherein the retrieving of the file key comprises obtaining a user key associated with a user requesting an access to the file, and decrypting the security information with the user key to retrieve the file key (col. 11, lines 23-45).

***Allowable Subject Matter***

7. Claims 1,2,4,7-14,16-18,20-23,40-53, and 56 are allowed.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Revak whose telephone number is 571-272-3794. The examiner can normally be reached on Monday-Thursday, 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 517-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher A. Revak/  
Primary Examiner, Art Unit 2431